



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS,
TRIBAL AND PUBLIC
AFFAIRS

November 25, 2013

Jake Vialpando, Project Manager
Bureau of Land Management
1387 S. Vinnell Way
Boise, Idaho 83709

Re: EPA Region Comments on the Bureau of Land Management Final Environmental Impact Statement to address grazing permit renewals in the Jump Creek, Succor Creek, and Cow Creek Watersheds (EPA Project Ref: 12-4145-BLM).

Dear Mr. Vialpando:

The U.S. Environmental Protection Agency has reviewed the FEIS for the above referenced grazing permit renewals on the Boise District in Idaho. Our review was conducted in accordance with the EPA responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions.

The FEIS addresses options for future management of 25 livestock grazing allotments (collectively known as the Chipmunk Group) in northern Owyhee County, Idaho. The document analyzes six alternative management prescriptions. Alternative 1 represents current management (no action); Alternative 2 is similar to Alternative 1 and reflects Permittee Applications; Alternative 3 would pursue a deferred grazing system or a rest/rotation system; Alternative 4 would employ a strategy of season-based use; Alternative 5 would convert domestic sheep Animal Unit Months to cattle AUMs on one allotment; and Alternative 6 would reduce livestock numbers to zero and eliminate grazing for the next 10 years. Alternative 2 is the Proposed Alternative. The Preferred Alternative identified in the FEIS is a composite of action alternatives 2, 3 and 4 described above. Each of the 25 allotments is assigned to one of these three alternative management strategies, according to the resource needs of the allotments.

In our June 2013 comments on the Draft EIS we found the proposed alternative (Alt 2) to be environmentally objectionable. Our review of the DEIS found that Alternative 2 would be inconsistent with the achievement of Idaho Water Quality Standards, Rangeland Health Standards, and standards under the 1999 Owyhee Resource Management Plan. We are pleased to note that while the Preferred Alternative in the FEIS proposes to manage some allotments under the Alt 2 strategy; those allotments do not contain water bodies of concern. Each of the allotments containing water bodies of concern have been assigned to either Alternative 3 or Alternative 4.

We support the management concepts in the Preferred Alternative, and appreciate the effort put forth by the BLM to assign each allotment to an appropriate management strategy. We also appreciate the complexity of crafting a management strategy and an analysis that covers 25 separate allotments. Our review found the information and analysis to be complete. However we did identify concerns related to the document's determinations of consistency with the Rangeland Health Standard for Water Quality

(Standard 7). We also expected to see a more complete analysis (including a cumulative effects analysis) of the preferred alternative. We include recommendations below as to how these issues can be addressed in the Record of Decision.

Rangeland Health Standard for Water Quality (Standard 7)

Based on comments received from the Idaho Department of Environmental Quality on the DEIS, the FEIS revised Rangeland Health Standard determinations for several allotments (FEIS pages 183-185). Specifically, the Alkali-Wildcat and Cow Creek allotments are now listed as meeting Standard 7 (water quality) whereas in the draft they were listed as not meeting Standard 7 due to grazing. Impairments in the Burgess FFR allotment, the Joint allotment, and the Madriaga allotment have likewise been determined to be unrelated to livestock use, and the Poison Creek allotment is now listed as meeting Standard 7, whereas in the draft it, too, was listed as not meeting standard 7 due to grazing. While we support the management direction proposed for these allotments under the Preferred Alternative, we also want to ensure that for purposes of tracking and adaptive management these allotments are classified correctly.

Alkali-Wildcat Allotment

Page 184 of the FEIS states that Standard 7 is being met on the Alkali-Wildcat allotment "because none of the streams that occur within the allotment are on IDEQ's 303(d) list of impaired waters." We concur that once a Total Maximum Daily Load has been written and approved, it effectively removes the water body from the State list of impaired waters (i.e. the Clean Water Act 303d list). The delisting of a water body, however, does not mean that the water is meeting water quality standards. It simply means that a plan is in place to move the water body toward meeting water quality standards.

According to Appendix A of the FEIS, Standard 7 requires that surface and ground water on public lands comply with the Idaho water quality standards. Indicators may include, but are not limited to physical; chemical; and biologic parameters described in the Idaho water quality standards. We recommend that the BLM clarify within the Record of Decision whether water bodies within the Alkali-Wildcat (now Wild Rat) allotment are meeting water quality standards. If they are not, the allotment should not be listed as meeting Standard 7.

Burgess FFR, Joint, and Madriaga Allotments

It appears that the Burgess FFR, Joint, and Madriaga allotments are experiencing riparian issues that can be related to or exacerbated by grazing, including bank instability; a lack of riparian vegetation; erosion/deposition caused by overland flows; lack of hydric vegetation; stream channel incision; lateral and vertical instability; and over-widening (DEIS page 185). This would seem to indicate that although the streams in these allotments are not listed for water quality parameters (other than flow modification) under section 303d of the CWA; these streams may not be meeting water quality standards. We recommend that the BLM clarify within the Record of Decision whether water bodies within the Burgess FFR, Joint and Madriaga allotments are in fact meeting water quality standards. If they are not, the allotments should not be listed as meeting Standard 7.

Poison Allotment

Page 183 of the FEIS states that Standard 7 is currently being met in the Poison Creek allotment because the streams have been removed from the 303(d) list for sediment and are not listed for flow alteration. As stated above, removing a water body from the State 303(d) list is not analogous to meeting water quality standards. We recommend that the BLM clarify within the Record of Decision whether water

bodies within the Poison allotment are meeting water quality standards. If they are not, the allotment should not be listed as meeting Standard 7.

Analysis of the Preferred Alternative

The Preferred Alternative is briefly discussed on page 21, and detailed in Table PREF-1 (pages 21 and 22). Outside of these pages, there is no additional discussion or analysis of the Preferred Alternative. Because the FEIS contains an analysis of each alternative for each allotment, we are not recommending a supplemental analysis. It would have been helpful from a review standpoint, however, to have the relevant pieces of analysis pulled together for the Preferred Alternative. That would have alleviated the need to jump back and forth between alternative analyses in order to understand the overall impact of the Preferred Alternative. Generally we would expect an FEIS to include a separate analysis of the Preferred Alternative as a standalone analysis. CEQ guidance recommends that where a variation of one of the alternatives is considered reasonable, the agency should develop and evaluate that new alternative. In addition, the Preferred Alternative should have been added to the comparison of alternatives table (Table Alt-6.1). That would likewise be consistent with CEQ guidance and 40 CFR 1502.14, which recommends that the environmental impacts of alternatives be listed in comparative form, thus sharply defining the issues and providing a clear basis for choice among options.

We recommend that the ROD include a comparison of alternatives table that includes the preferred alternative. We also recommend that the ROD include a discussion beyond that included at page 21 regarding the development of the Preferred Alternative. That discussion should include the rationale for assigning the allotments to their respective alternative management strategies.

Finally, the cumulative effects analysis groups similar alternatives (1, 2 and 5 are considered together; and 3 and 4 are considered together). We understand the rationale behind the grouping. The preferred alternative, however, is a composite of alternatives 2, 3 and 4. It would be helpful to include a discussion in the ROD of the expected cumulative effects associated with the preferred alternative.

Overall, we support the management direction represented by the Preferred Alternative. We believe the deferred grazing and season-based approaches to grazing management proposed for most of the allotments will move those areas toward meeting the Idaho Rangeland Health Standards and Guidelines, and the standards under the 1999 Owyhee Resource Management Plan. We also believe the Preferred Alternative is consistent with the implementation strategies outlined in the Succor Creek Subbasin Total Maximum Daily Load¹.

We appreciate the opportunity to review this FEIS. If you have question about our comments, please contact me at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov, or you may contact Teresa Kubo of my staff at (503) 326-2859 or by electronic mail at kubo.teresa@epa.gov.

Sincerely,



Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

¹ <http://www.epa.gov/waters/tmdl/docs/Snake%20River%20Succor%20Creek%20TMDL.pdf>